

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Richard Brakebill, Deloris Baker, Dorothy Herman, Della Merrick, Elvis Norquay, Ray Norquay, and Lucille Vivier, on behalf of themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the North Dakota Secretary of State,

Defendants.

Civil No. 1:16-cv-8

Declaration of Richard Brakebill

I, Richard Brakebill, declare as follows:

1. I am an enrolled member of the Turtle Mountain Band of Chippewa Indians. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to those facts if asked to do so.

2. I was born on April 30, 1963 in Belcourt, North Dakota and am a U.S. citizen. I was adopted at the age of four. At the time, my adopted parents lived in Illinois. After living in Illinois for approximately ten years, my family moved to Arkansas. I attended high school in Arkansas. After high school I enlisted in the U.S. Navy. I served in the Navy from 1981 to 1983 (stationed in San Diego), and I am an honorably discharged veteran. In 2001, I moved back to North Dakota and attended the Turtle Mountain Community College.

3. I have voted in many elections since turning 18 years of age and becoming a qualified voter. I have lived in Rolla, North Dakota for at least the last ten years and I am a qualified North Dakota voter.

4. Currently, I do not have a car or a job, but I do occasionally help my landlord at

the farm that he owns. This provides me with very minimal income. I receive about \$279 per month in general assistance. I also receive food stamps. This helps me pay for rent, utilities, groceries, and transportation. I spend the majority of my available money on rent, electricity and propane. If I have any money left over, I financially assist my girlfriend's mother.

5. Before the November 2014 election, I tried to obtain a state of North Dakota identification card ("ID") from the Rolla, North Dakota Driver's License Site, but the employees there informed me that my expired North Dakota ID was insufficient identification to obtain a new ID. They told me I needed a copy of my birth certificate, which I did not have. As a result, I was unable to obtain a North Dakota ID prior to the election.

6. Nevertheless, on November 4, 2014, I attempted to vote in the general election. I took my expired North Dakota ID as well as my tribal ID with to the polling place. When I presented these ID's, the poll workers informed me that these forms of ID were unacceptable. They explained my state ID was expired and my tribal ID did not have a residential address printed on it. They did not permit me to vote and I did not vote.

7. Since the November 2014 election, I have attempted to obtain my birth certificate. Because I was adopted at a very young age and moved to Illinois and then Arkansas, I was unsure exactly where to obtain a copy of my birth certificate. I noticed there were applications for birth certificates in the Rolette County Social Services Office. I spoke to an employee at the Rolette County Social Services Office about obtaining a birth certificate from North Dakota, and whether North Dakota was the right state for me to get a birth certificate. The employee I spoke to at the social services office advised me to get a birth certificate from the state where I was adopted—Illinois or Arkansas.

8. After my conversation at the social services office, I attempted to get my birth certificate first from Arkansas, and then from Illinois. Because I do not have Internet access, I dialed 411 on my phone and asked for the number of the Arkansas Department of Health

Vital Records. I thereafter contacted that office about obtaining a birth certificate. The Arkansas Department of Health Vital Records sent me an application. After filling out the application, I mailed it in, along with a \$12 money order. After about a week, I received the application back in the mail because I had improperly addressed the envelope. Thus, I remailed the application to the proper address with my \$12. After a few weeks, I received a response indicating the Department did not have a birth certificate on record for me.

9. After learning that Arkansas did not have a birth certificate for me, I again dialed 411 to find the contact information for the appropriate Illinois office. After several calls, I spoke to an employee in Illinois and explained that I was adopted at a very young age and moved to Illinois. She told me that, while I may have been adopted in Illinois, I should try to obtain my birth certificate from North Dakota where I was originally born.

10. The next time I was at the social services office in Rollette County, I obtained an application for a birth certificate. I filled out the North Dakota application and sent it in along with a \$7 money order to cover the fee and a copy of my expired North Dakota ID, which is required to obtain a birth certificate. After a few weeks, I finally received a copy of my birth certificate from North Dakota in February of this year.

11. I ended up having to pay a total \$19 to obtain a birth certificate. I paid for this out of my general assistance funds.

12. I intend to travel back to the Driver's License Site in Rolla to obtain a new state ID or driver's license at some point. I live about 15 minutes away from Rolla to the south and do not own a vehicle.

13. In order to obtain my state ID or license I will have to plan in advance. I typically utilize almost all of my general assistance money early in the month. However, the closest Driver's License Site in Rolla is only open on the second and fourth Tuesday of every month and for very limited hours. Since I obtained my North Dakota birth certificate, I have not had enough money to pay a friend or acquaintance the gas money to take me to the Driver's License Site. Due to the limited hours and distance to the Driver's License Site, I have so far

been unable to obtain a new state ID.

14. After being turned away from voting because my IDs did not have a residential address, I heard that the Turtle Mountain Band of Chippewas Motor Vehicle Department was issuing new tribal IDs with residential addresses printed on them. My understanding was that the tribe was charging \$10 for the new IDs. The tribal ID I used when I attempted to vote in November 2014 was issued by the Federal Bureau of Indian Affairs and did not have a residential address printed on it. After I heard that the tribe was issuing new IDs, I planned to travel to the tribal offices in Belcourt, North Dakota to get one. Belcourt is about a 20-minute drive from where I live. Because of the cost of the new tribal ID and the distance to Belcourt, I had to save up to pay for the ID and for a ride. Eventually, I was able to save enough money for the ID and to secure a ride to Belcourt. In August of last year, an acquaintance agreed to drive me to Belcourt and I paid him gas money for the trip. Once in Belcourt, I paid \$10 to obtain a new tribal ID with a residential address printed on it. My new tribal ID expires in August 2018.

15. Because of my limited income and lack of access to transportation, I have had a very difficult time obtaining a new state ID. Likewise, planning and saving for a new tribal ID was very burdensome, given that I live on a fixed income.

Executed on June 16 2016 at 9159 49th Ave NE Rollag ND

I declare under penalty of perjury that the foregoing is true and correct.


Richard Brakebill

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, the document titled "**Declaration of Richard Brakebill**" was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing ("NEF") to:

Christopher S. Joseph
Assistant Attorney General
State Bar ID No. 07450
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Facsimile (701) 328-4300
Email csjoseph@nd.gov

DATED: June 20, 2016

By: /s Matthew Campbell
Matthew Campbell

Matthew Campbell, NM Bar No. 138207, CO Bar No. 40808
mcampbell@narf.org

NATIVE AMERICAN RIGHTS FUND
1506 Broadway
Boulder, Colorado 80302
Phone: (303) 447-8760
Fax: (303) 443-7776